

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

Claim 2 has been cancelled. Claims 1, 8 and 9 have been amended to recite that the outlet of the passage of the base member has an opening area larger than an opening area of the passage of the outlet member adjacent the shutter. Basis for this is found in the figures. For example, the bore 33 in the illustrated embodiments has a taper which decreases toward the shutter hole 41. This is advantageous since the shutter member should be small to minimize the risk that it can be moved by a finger, thereby causing leakage (p. 21, lines 5-9). However, the small shutter size makes it more difficult to fill the toner or powder storing body with toner or powder via the shutter without spillage. Since the outlet member of the invention (e.g., 43) which has the shutter 50 is selectively connectable to the base member affixed to the toner or powder storing body, and since the passage of the base member has an outlet whose opening area is larger than that of the passage adjacent the shutter, the toner or powder storing body can be more easily filled without spillage. For example, the outlet member can be disconnected from the base member, and the toner or powder storing body can be filled via the larger area passage outlet of the base member (p. 23, lines 5-19).

Claims 1-7 and 10-12 were rejected under 35 U.S.C. § 103 as being obvious over Welch et al. in view of Terazawa et al., of record. The Examiner there clarified that he considered the first portion 62 of the valve 60 of Welch et al. to correspond to the claimed base member and the detachable second portion 64 of the valve 60 of Welch et al. to correspond to the claimed outlet member having the shutter function. However, as is clearly evident from Fig. 3 of Welch et al., the valve 60 has a *constant passage diameter* throughout its length. Accordingly, the opening area at the outlet of the first portion (base member) 62 of the valve must be the same as the opening area of the detachable second portion (outlet member) 64 of the valve. As such, the opening area of the passage at the outlet of the "base

member” of Welch et al. cannot be larger than an opening area of the passage of the “outlet member” adjacent the shutter (valve).

The Examiner has alleged that Terazawa et al. would have rendered it obvious for those skilled in the art to have formed the dispensing container 12 of Welch et al. from a flexible material. However, whatever merits this allegation may have, Terazawa et al. provides no teaching for modifying Welch et al. such that the opening area of the passage at the outlet of the “base member” of Welch et al. is larger than an opening area of the passage of the “outlet member” adjacent the shutter. The amended claims therefore define over any combination of the above references.

Claim 12 further recites that the outlet member comprises a first part selectively connectable to the base member and a second part fittable in the first part and including the shutter. For example, referring to the non-limiting embodiment of Figures 12-14, the first part may be the lower part 46 and the second part may be the inner part 45. This has the advantage that the shutter may be inserted into the inner part 45 prior to packing the container with toner (see paragraph bridging pages 23-24). There is no teaching or suggestion for this feature in any combination of Welch et al. and Terazawa et al.

Claims 8-9 were rejected under 35 U.S.C. § 103 as being obvious over Welch et al. in view of Terazawa et al., and further in view of Beaufort et al. It was the Examiner’s position that Beaufort would have rendered it obvious to have made the powdered toner dispensing system taught by Welch to be part of a toner cartridge. However, Beaufort et al. also provides no teaching for modifying Welch et al. such that the opening area of the passage at the outlet of the “base member” of Welch et al. is larger than an opening area of the passage of the “outlet member” adjacent the shutter.

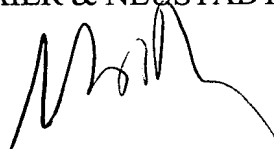
It is respectfully requested that the Information Disclosure Statement filed on September 22, 2003 be acknowledged.

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Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early notice of allowability.

Respectfully submitted,

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